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OFFICE OF PETITIONS

In re Application of	:	
Gaton, et al.	:	
Application No. 10/825,230	:	DECISION ON PETITION
Filed: April 16, 2004	:	
Attorney Docket No. 83743-16	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 9, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed June 20, 2008. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed, with a three month extension of time, would have been December 20, 2008. The Office mailed a Notice of Abandonment on December 24, 2008, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on December 22, 2008, made timely by obtaining a three month extension of time and by the fact that December 20, 2008 fell on a Saturday. See 37 CFR 1.7(a). A review of Office finance records confirms that the Office received the fee for the three month extension of time on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn**.

The matter is being forwarded to Group Art Unit 1797 for consideration of the Amendment, timely filed with a three month extension of time on December 22, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
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